

Legislative Fiscal Bureau

Fiscal Note

SF 399- Criminal Surcharge for DCI (LSB 1060 SV)

Analyst: Jennifer Dean (Phone: (515) 281-7846) (jennifer.dean@legis.state.ia.us)

Fiscal Note Version — New

Requested by Senator Lamberti

Description

Senate File 399 establishes a criminalistics laboratory surcharge and creates a Criminalistics Laboratory Fund, appropriates surcharge moneys, and makes other related changes.

Assumptions

1. In calendar year 2002, \$48.0 million in State fines and forfeited bail was imposed and \$9.0 million was imposed in county/local fines. Of these amounts, approximately \$7,000 would have been collected for parking fines. The total revenue for calendar year 2002 would be \$57.0 million.
2. The collection rate is based on total fines imposed during calendar year 2000 and collected through 2002. The average collection rate is 70.0%.
3. The 2.0% surcharge that would go to the Division of Criminal Investigation for the imposed crime lab surcharge would be approximately \$1.1 million. The Department would realize approximately \$800,000 based on the 70.0% collection rate. First-year revenues may be understated based on the collection of misdemeanor fines. The surcharge amount collected can vary.
4. The law will become effective July 1, 2003. A lag effect of six months is assumed from the law's effective date. An additional lag is assumed on the first full-year of collection since the surcharge is a mixture of citations, felonies, and misdemeanors. The first full-year of collection does not occur until the fourth year.
5. The one-time cost for the Judicial Branch to program a new financial code in the Iowa Court Information System is approximately \$5,000.
6. In FY 2002, Clerks of Court processed fee/fine payments in approximately 671,000 criminal cases not including parking violations. The time per case would be two minutes resulting in Clerks devoting approximately 1.3 million minutes at \$0.24 a minute for a total cost of \$321,000 to process the new surcharge. This would require 10.7 additional FTE positions for the Clerk of Court offices. The salary and benefits cost for one Judicial Clerk is \$30,000 annually.
7. The impact on persons unable to meet the additional financial burden would likely result in additional contempt of court charges. The approximate cost for one contempt of court charge is \$250.
8. The estimated cost for repair, replacement, and updating of lab equipment for five years is \$4.4 million. This assumes that all equipment will be replaced every five years with approximately one-fifth of the equipment being replaced each year. This also assumes that crime scene vans would be replaced once every five years on a staggered schedule. Training and software updates would be done on an annual basis. The first year of maintenance agreements would be covered by warranty, and the Fund would cover the second and subsequent years. Staff computers would be replaced and upgraded at the same time rather than on a staggered basis, due to compatibility issues. The ongoing annual cost would be \$918,000.

Fiscal Impact

The estimated FY 2004 General Fund impact of SF 399 to the Judicial Department would be \$326,000 for 10.7 FTE positions. The FY 2005 and subsequent years cost would be approximately \$321,000.

The Department of Public Safety anticipates replacing one-fifth of all laboratory equipment every five years from the Criminalistics Laboratory Revolving Fund. The estimated expenditures for the Department are \$4.4 million over five years. The annual cost for replacement and repair of equipment for the first year is \$768,000 and the second year and ongoing years is \$918,000.

The estimated revenues generated in SF 399 are not sufficient to cover all of the Department's equipment replacement and repair costs over the five-year period.

The table below shows the projected funding shortfall for each year.

	<u>FY 2004</u>	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>	<u>5-Year Total</u>
REVENUE						
Criminalistics Laboratory Fund	\$ 257,000	\$ 600,000	\$ 774,000	\$ 800,000	\$ 800,000	\$ 3,231,000
EXPENDITURES						
Yearly Repair and Update Costs	173,000	173,000	173,000	173,000	173,000	865,000
Maintenance Agreements	0	150,000	150,000	150,000	150,000	600,000
Yearly Instrument Replacement Cost	66,000	66,000	66,000	66,000	66,000	330,000
5-year equipment replacement	<u>529,000</u>	<u>529,000</u>	<u>529,000</u>	<u>529,000</u>	<u>529,000</u>	<u>2,645,000</u>
Total	<u>\$ 768,000</u>	<u>\$ 918,000</u>	<u>\$ 918,000</u>	<u>\$ 918,000</u>	<u>\$ 918,000</u>	<u>\$ 4,440,000</u>
SHORTFALL	<u>\$ -511,000</u>	<u>\$ -318,000</u>	<u>\$ -144,000</u>	<u>\$ -118,000</u>	<u>\$ -118,000</u>	<u>\$ -1,209,000</u>

Sources

Judicial Branch
Department of Public Safety
State Public Defender
Department of Human Rights, Criminal Juvenile and Justice Planning

/s/ Dennis C Prouty

March 19, 2003

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.
